

THE BOARD OF SUPERVISORS  
OF THE COUNTY OF STANISLAUS  
STATE OF CALIFORNIA

Regular Session

Tuesday

August 21, 2007

All Supervisors Present

Pledge of Allegiance to the Flag

Phil Pennio presented the ACE Service Expansion Study Update by the San Joaquin Regional Rail Commission.

Ricardo Cardenas, President of the Crows Landing Road Businesses United, voiced concerns regarding the increased number of vehicles that are for sale parked on Crows Landing Road. He requested that the Board enforce the no parking on County property ordinance that the Board adopted on 8/17/99.

Mayfield/Grover unan. Adopted the consent calendar

- \*A1 Approved the minutes of August 7, 2007
- \*A2 Accepted the resignation of Jonathan Rogers from the Stanislaus County Equal Rights Commission 2007-629
- \*A3 Appointed Rod Landes to the Stanislaus County Children's Council 2007-630
- \*A4 Approved request from the District Attorney for use of the Courthouse lawn on Friday, 08/24/07 for a candlelight vigil 2007-631
- \*A5 Approved a resolution commending Dr. Phil Trompetter upon his retirement from service to Stanislaus County 2007-632
- \*B1 Authorized the Director of the Department of Aging and Veterans Services (AAA) to sign the grant agreements and any subsequent amendments for Older Americans Act (OAA) and Community-Based Service Programs (CBSP) Services with contracting service providers for FY 2007-2008 - Aging & Veterans Services 2007-633
- \*B2 Authorized the Director of the Department of Aging and Veterans Services (AAA) to sign the contracts and any subsequent amendments to contracts AP-0708-30, HI-0708-30, and TV-0708-30 with the California Department of Aging for FY 2007-2008 for the Older Americans Act (OAA) and Community-Based Service Programs (CBSP) Aging Program - Aging & Veterans Services 2007-634
- \*B3 Approved and authorized the Chairman to sign the following FY 2007-2008 contracts with the California Department of Food and Agriculture: Nematode Inspection, Red Imported Fire Ant, and Seed Enforcement - Agricultural Commissioner 2007-635
- \*B4 Approved and authorized the Chairman to sign the Glassy-Winged Sharpshooter Program contract with the California Department of Food and Agriculture for FY 2007-2008, 2008-2009 and 2009-2010 - Agricultural Commissioner 2007-636
- \*B5 Approved and authorized the Chairman to sign the FY 2007-2008 Cantaloupe Surveillance contract with the California Cantaloupe Advisory Board - Agricultural Commissioner 2007-637
- \*B6 Approved and authorized the Chairman to sign the following FY 2007-2008 contracts with the California Department of Food and Agriculture: Egg Quality, Organic, Petroleum Products and Weighmaster Inspection, and Standardization Programs - Agricultural Commissioner 2007-638

- \*B7 Adopted the decision of the Nuisance Abatement Hearing Board regarding the cost accounting to abate the nuisance at 4342 S. Central Avenue, Ceres, CA (CE No. 06-326) - DER  
2007-639
- \*B8 Adopted the decision of the Nuisance Abatement Hearing Board regarding nuisances at 3613 Hemlock Avenue, Ceres, CA (CE No. 07-168) – DER  
2007-640
- \*B9 Approved the issuance of a RFQ for Custodial/Janitorial Services by the GSA  
2007-641
- \*B10 Approved the annual revisions to the Stanislaus County Purchasing Card Policy – GSA  
2007-642
- \*B11 Authorized the Chief Probation Officer to enter into a contract with Stanislaus County Office of Education to provide a School Probation Officer for prevention and intervention services; directed the Auditor-Controller to increase the appropriations and estimated revenue in the amount of \$78,663 as detailed in the Budget Journal Form; and, amended the Salary and Position Allocation Resolution to add one Deputy Probation Officer II position to Casework Services – Probation  
2007-643
- \*B12 Approved the list of Independent Contractor Agreements between the Stanislaus County HSA and various contractors for FY 2007-2008; authorized the HSA Managing Director, or her Designee, to sign the agreements; and, authorized the HSA Managing Director, or her Designee or successor, to negotiate and sign individual amendments to the agreements, not to exceed \$75,000 – HSA  
2007-644
- \*B13 Approved the Internal Audit Division’s Audit Schedule for the period July 2007 to June 2008 – Auditor-Controller  
2007-645
- \*B14 Approved the final completion and acceptance of a portion of Bid Package 6, Plaza and Site Work, Phase I for the Gallo Center for the Arts; approved the final contract with Concrete Innovations by Hallack of Turlock, CA, as follows: original contract of \$445,197, total Change Orders of (\$26,384), for a final contract cost of \$418,813; approved the final contract with Central Valley Landscape Services, Inc. of Modesto, CA, as follows: original contract of \$164,832, total Change Orders of (\$18,064), for a final contract cost of \$146,768 – CEO  
2007-646
- \*C1 Finds that the Ordinance C.S. 1006 amending §11.08.020 and §11.08.040 of the Stanislaus County Code, amending a No Parking Zone and adding a Green Curb Marking (12 Minute Parking Zone) on Mariposa Road in the Modesto area, is not subject to the CEQA (Public Resources Code, §2100 et. seq.); and, introduced and waived the first reading of Ordinance C.S. 1006 – PW  
ORD-55-D-1 2007-647
- \*C2 Adopted plans and specifications for the Federal Regional Surface Transportation Road Resurfacing Program for FY 2006-2007 - (RSTP Road Resurfacing Program FY 2006-2007); set the bid opening date and time for 9/26/07 at 2:00 p.m.; directed the Clerk of the Board to publish notice inviting bids for the project as required by law; set 9/26/07, prior to 2:00 p.m., as the deadline for submission of bids; directed the Auditor-Controller to make the necessary budget adjustments per the financial transaction sheet; and, directed the Public Works Department staff to mail a notice inviting bids to trade journals as required by law – PW  
2007-648
- \*C3 Adopted plans and specifications for the Stanislaus County 2007 Chip Seal Program (Asphalt Emulsion); set the bid opening date and time for 9/05/07, 2:30 p.m.; directed the GSA Director/Purchasing Agent to publish notice inviting bids for the project as required by law; and, set 09/05/07, prior to 2:30 p.m. as the deadline for submission of bids - PW  
2007-649

O’Brien/Grover unan. **6:40 p.m.** Conducted the public hearing and received comments on the formation of the Valley Home MAC in Supervisorial District 1; approved the formation of the Valley Home MAC; corrected the typographical error for the Government Code Section number found in Section I (Formation

of Organization) of the Bylaws to read as “Section 31010”; **amended** the second sentence of Section V (Meetings) of the Bylaws to read as follows: “ A regular and convenient time and place for each meeting will be established and announced by the Council.”; **amended** the northern boundary for the Valley Home MAC to be State Route 4; and, approved the amended bylaws and amended boundaries for the Valley Home MAC – CEO  
MAC-08-01 2007-650

Monteith/Mayfield (3-0)(Grover and DeMartini abstained) **6:45 p.m.** Approved an appeal of the Planning Commission’s decision of denial, thereby approving Vesting Tentative Parcel Map Application #2006-02, Tim Bell Warnerville Partners (Formerly Furtado Family Trust), a request to create 13 parcels of 80± acres, one 70± acre parcel, and one 117± acre remainder parcel from two existing parcels totaling 1,147 acres in the A-2-40 (General Agriculture) zoning district, located southeast of the intersection of Tim Bell and Warnerville Roads, northeast of the Waterford area (APN: 011-005-007 and 011-005-021); adopted the Mitigated Negative Declaration pursuant to CEQA Guidelines §15074(b), by finding that on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County’s independent judgment and analysis; adopted the Mitigation Monitoring Plan pursuant to CEQA Guidelines §15074(d); ordered the filing of a Notice of Determination with the Stanislaus County Clerk-Recorders Office pursuant to Public Resources Code §21152 and CEQA Guidelines §15075; finds that: (a) the proposed map is consistent with applicable general and specific plans as specified in §65451, (b) the design or improvement of the proposed subdivision is consistent with applicable general and specific plans, (c) the site is physically suitable for the type of development, (d) the site is physically suitable for the proposed density of development, (e) the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, (f) the design of the subdivision or type of improvements is not likely to cause serious public health problems, (g) the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; in this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public; finds that the proposed parcels are of a size suitable to sustain agricultural uses and that the proposed parcel map will not result in residential development not incidental to the commercial agricultural use of the land; and approved Vesting Tentative Parcel Map Application No. 2006-02 – Tim Bell Warnerville Partners (Formerly Furtado Family Trust) subject to the attached Conditions of Approval and Mitigation Measures, including a modified Condition Number 7 as defined in the Department of Public Works memo dated 01/30/07; and, **amended** the Conditions of Approval to add Condition No. 31 to read as follows: “No residential structures shall be constructed on any parcel or parcels until either tree crops, vines, or other crops have been planted on the parcel or parcels, or until another agricultural use consistent with all use regulations applicable to the particular parcel has been established on the parcel or parcels.” – Planning 2007-651

Mayfield/Monteith (2-3)(O’Brien, Grover and DeMartini opposed) **6:50 p.m.** The **motion failed** to approve GPA #2006-04 and Rezone Application #2006-09, Gomes Transportation Truck Parking Yard

DeMartini/Grover (3-2)(Mayfield and Monteith opposed) **6:50 p.m.** Conducted the public hearing to consider GPA #2006-04 and Rezone Application #2006-09, Gomes Transportation Truck Parking Yard, a request to rezone and amend the General Plan to PD (Planned Development) Zoning District, to allow an existing truck parking area to continue operating and to expand to allow up to 22 trucks and 22 trailers used to deliver fuel and lubricants, within a 28,800 square foot area of the 27.71 acre parcel located at 1625 N. Tegner Road on the northwest corner of Tegner and Fulkerth Roads, in the Turlock area (business activities associated with the operation take place elsewhere); finds that a Negative Declaration is appropriate for the project, based on the Initial Study and other project amendments and information

submitted by the applicant and commenting agencies; based on the staff report and comments by Board members, the Board finds that the proposed GPA #2006-04 is not consistent with the overall goals and policies of the Land Use Element of the County General Plan and the overall General Plan; and, denied GPA #2006-04 and Rezone Application #2006-09, Gomes Transportation Truck Parking Yard - Planning  
ORD-55-C-8 2007-652

**Recessed at 8:37 p.m.**

**Reconvened at 8:43 p.m.**

Mayfield/Monteith unan. **6:55 p.m.** Conducted a public hearing to consider the approval of the proposed sale of Stanislaus Behavioral Health Center (SBHC), including the operations, real property, improvements and equipment, to Doctors Medical Center, and introduced, waived the reading, and adopted Ordinance C.S. 1003 authorizing the sale of SBHC; authorized the CEO, Behavioral Health Director and all other officers, employees and agents of the County to complete negotiations and finalize the proposed sale of the SBHC; approved an extension to the effective date for the reduction in force of 115 positions in the SBHC budget unit to be effective no earlier than 9/01/07 and no later than 11/01/07; approved the transfer of seven positions from the SBHC budget unit to the Behavioral Health and Recovery Services Managed Care budget unit effective no earlier than 9/01/07 and no later than 11/01/07; amended the Salary and Position Allocation Resolution to reflect the recommended changes as outlined in the report; and, directed staff to return all legal documents to the Board to complete the sales transactions  
ORD-55-C-7; 2007-653 & 2007-654

**Corr 1** Referred to the Agricultural Commissioner and Sealer of Weights and Measures and the CEO-Office of Emergency Services, a letter from the Governor's Office of Emergency Services regarding the U.S. Department of Agriculture granting a Secretarial disaster designation for the Counties of Santa Clara and Yolo and Stanislaus County as one of the contiguous counties due to agriculture losses caused by drought that occurred 1/01/07, and continuing.

**Corr 2** Referred to the Stanislaus Council of Governments, information from the U.S. Census Bureau requesting participation in the 2010 Decennial Census Local Update of Census Addresses Program (LUCA).

**Corr 3** Referred to the Auditor-Controller, a copy of the Oakdale Rural Fire Protection District's July 2006 - June 2007 Annual Report-Development Fee Analysis.

**Corr 4** Referred to the Department of Planning and Community Development, a notice from the Department of Housing and Community Development that the County will receive 2007 CalHome Program funding of \$600,000.

**Corr 5** Acknowledged receipt of claims and referred to the CEO-Risk Management Division the following claims: Jose Raya; Joseph Purcella; Antonio Diaz; and, Pamela Goodell.

County Counsel gave an update regarding the Latino lawsuit (Committee Concerning Community Improvement vs. City of Modesto and County of Stanislaus). He noted that Federal Court Judge O'Neil has granted the County's 4th Summary Judgment Motion which has dismissed all actions and claims under federal law against the County. The Judge's ruling stated that the plaintiff has failed to show any evidence of discriminatory conduct on behalf of the County.

Supervisor Mayfield asked for clarification regarding the Modesto Bee article which stated that the County will be paying \$400,000 back to the proponents of the Salida Now Initiative. County Counsel responded that the Modesto Bee gave the wrong impression, and that County will not be paying for this, but that future developers will be paying this fee.

The CEO reported that the State budget passed out of the Assembly and Senate today and will be going to the Governor. He noted that the Sheriff has met with the Crows Landing Road representative that spoke under public comment, and that he will follow-up on the illegal parking issue.

Adjourned at 9:09 p.m.

ATTESTED: CHRISTINE FERRARO TALLMAN, Clerk  
of the Board of Supervisors  
of the County of Stanislaus  
State of California

BY: ELIZABETH A. KING, Assistant Clerk of the Board of Supervisors  
(The above is a summary of the minutes of the Board of Supervisors. Complete minutes are available from the Clerk of the Board's Office.)